

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Stephen Kane, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Jill Rivera, Deputy Clerk.

F050570 People v. Kekaula

Cause called and argued by Doris Calandra, Deputy Attorney General, counsel for appellant and by Frank Butkiewicz, Esq., counsel for respondent.

Cause ordered submitted.

At this point Ardaiz, P.J. directs Harris, Acting P.J. to act as Presiding Justice in his absence and leaves the bench with Kane, J.; they are replaced by Levy, J. and Gomes, J.

F048739 People v. Thong

Cause called and argued by Christine Levin, Esq., counsel for appellant and by A. Kay Lauterbach, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

F050328 Blain et al. v. Russell

Cause called and argued by Steven J. Lee, Esq., counsel for appellant. Timothy Kleier, Esq., counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Friday, April 13, 2007 at 10:00 A.M.

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F050232 San Joaquin Raptor Rescue Center et al. v. County of Merced et al.; Jaxon enterprises, Inc.

The judgment is reversed, and the action is remanded to the trial court with directions to grant the writ of mandate vacating County's certification of the EIR and its approval of the Project (including CUP 99009), based on the violations of CEQA as set forth herein. The trial court shall, in addition, issue orders that the Project may be considered for potential re-approval by the County, if a new, legally adequate EIR is prepared, circulated and certified in compliance with CEQA, including opportunity for public comment. Upon consideration of such new EIR, and in accordance with all applicable laws, the County may then determine whether or not to re-approve the Project. The County may require modification of the Project and/or additional mitigation measures as conditions of approval. Petitioners are awarded costs on appeal. Kane, J.

We concur: Harris, Acting P.J.; Dawson, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

F051551 People v. Martinez

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

Pursuant to rule 8.316(b)(2), California Rules of Court, it is further ordered that the remittitur issue forthwith.

F050846 People v. Navarette

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F050846 **People v. Navarette**
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F050483 **People v. Manfredi**
The order denying the People's motion to reinstate the criminal complaint is reversed. Vartabedian, Acting P.J.
We concur: Wiseman, J.; Hill, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F050573 **People v. Self**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F050074 **Durbin v. Kress**
No brief having been filed by appellant after notice duly given under rule 8.220(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.